RESOLUTION 18-2026 FOR PUBLIC HEARING

Proposed Town Local Law: Local Law No. 2 of 2026

At a regular meeting of the Town Board of the Town of Burke, Franklin County, New York, held at the Town Hall, 5165 State Route 11, in said Town of Burke, on the 1st day of Octobber, 2026 at 5:30 P.M., there were:

PRESENT: William K. Wood, Timothy Crippen, James Otis, Paddy Wheeler, and Eric Ashlaw.
ABSENT: None

Eric Ashlaw offered the following resolution and moved its adoption.

WHEREAS, the Town anticipates to adopt a budget for Fiscal Year 2027 that requires a real property tax levy in excess of the "tax levy limit" as defined by the Property Tax Cap Law; and

WHEREAS, the Board has been presented with and has introduced a draft Local Law No. 2 of 2026 to resolve said issue, titled "A Local Law to Override the Tax Levy Limit for Fiscal Year 2027";

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, a public hearing on said proposed Local Law No. 2 shall be held on the 13th day of October, 2026 at 6:00 P.M. Eastern Standard Time, at the Town Hal, 5165 State Route 11 in the Town of Burke, New York, and that notice of the time and place of such hearing describing in general terms the proposed local law, be published once on or before the 13th day of October, 2026 in the Malone Telegram, a newspaper circulating in said Town of Burke; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Seconded by Mr. James Otis and duly put to a vote, which resulted as follows;

5 AYES
0 NAYS

Judy Tavernier
Judy Tavernier, Town Clerk

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2026 of the ~~(County)(City)~~(Town)~~(Village)~~ of BURKE was duly passed by the TOWN BOARD on OCTOBER 13 2026, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20☐☐, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

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* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____ . became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

LOCAL LAW NO. 2 OF 2026

"A Local Law to Override the Tax Levy Limit for Fiscal Year 2027"

Be it enacted by the Town Board of the Town of Burke as follows:

§1. Authority.

This Local Law is enacted pursuant to subdivision 5 of N.Y. General Municipal Law §3-c (the "Property Tax Cap Law"), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

§2. Purpose.

The purpose of this local law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Burke pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2027 that requires a real property tax levy in excess of the "tax levy limit" as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

§3. Tax Levy Limit Override.

The Town of Burke Town Board is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c. for Fiscal Year 2027, and to adopt a budget for Fiscal Year 2027 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

§4. Severability.

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

§5. Effective Date.

This local law shall take effect immediately upon its filing with the Secretary of State as provided in §27 of the N.Y. Municipal Home Rule.